

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

| | | |
|--------------------------------|---|--------------------------------|
| AC2T, INC. D/B/A SPARTAN |) | |
| MOSQUITO |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Civ. No. 2:21-cv-00093-TBM-RPM |
| |) | |
| LIGHTS ON DISTRIBUTORS, LLC, |) | |
| CCD WEBSTORE, LLC D/B/A THINK |) | |
| WEBSTORE, CARTER CUSTOM |) | |
| DESIGN, LLC, BRYAN CARTER, AND |) | |
| JOHN DOES 1-50 |) | |
| |) | |
| Defendants. |) | |

MOTION FOR CLARIFICATION

NOW COMES Defendants Lights On Distributors, LLC (“LOD” or “Lights On Distributors”), CCD Webstore, LLC (“Think” or “Think Webstore”), Carter Custom Design, LLC (“CCD”) and Bryan Carter and for their Motion for Clarification state as follows:

1. On April 1, 2022, the various Defendants filed a Renewed Motion to Dismiss [Dkt. 44 (corrected)] Plaintiff’s Amended Complaint [Dkt. 28].
2. On September 8, 2022, the Court held a hearing on the motion and on September 9, 2022, the Court issued an Order [Dkt. 57] granting various requests and denying various requests contained in the motion.
3. The Order, however, does not explicitly address Defendants’ request to dismiss Plaintiff’s cause of action for promissory estoppel or Lights On Distributors’ request to dismiss Plaintiff’s cause of action on good faith and fair dealing.
4. Defendants believe the Court’s discussion and determinations at the September 8, 2022 hearing on the motion apply to and preclude Plaintiff’s claim for promissory estoppel and

that the Court's discussion and determinations militate against the cause for breach of the duty of good faith and fair dealing/bad faith.

5. On September 21, 2022, Defendants' counsel met and conferred with Plaintiff's counsel. However, Plaintiff's counsel did not agree to the relief requested in this motion.

6. As set forth in the Memorandum Brief submitted contemporaneously herewith, the Court should grant Defendants' request for clarification that Plaintiff's causes for Promissory Estoppel and Breach of the Duty of Good Faith and Fair Dealing/Bad Faith are dismissed.

WHEREFORE Defendants respectfully request clarification of the September 9, 2022 Order, that Plaintiff's causes of action for promissory estoppel and breach of the duty of good faith and fair dealing/bad faith be dismissed, and any additional and further relief the Court deems just and equitable.

Respectfully submitted, this the 23rd day of September 2022.

LIGHTS ON DISTRIBUTORS, LLC, CCD
WEBSTORE, LLC D/B/A THINK WEBSTORE,
CARTER CUSTOM DESIGN, LLC, BRYAN
CARTER

By: s/ George R. Spatz
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CERTIFICATE OF SERVICE

I, George Spatz, counsel for defendants hereby certify that, on this day, the above and foregoing was filed using the ECF Court filing system and served on counsel of record:

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Dated: September 23, 2022

s/ George R. Spatz
George R. Spatz